

ORDINANCE NO. 20060202-029

AN ORDINANCE AUTHORIZING THE VACATION, CONVEYANCE AND EXCHANGE OF A 0.062 ACRE PORTION OF BOWIE STREET RIGHT-OF-WAY LOCATED SOUTH OF THIRD STREET FOR A WASTEWATER LINE EASEMENT AND RELEASE OF PRIVATE RIGHTS TO STREETS AND ACCESS EASEMENTS LOCATED IN AND ADJACENT TO THE CITY'S SAND BEACH RESERVE PROPERTY AT THE INTERSECTION OF CESAR CHAVEZ STREET AND SANDRA MURAJDA WAY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS.

The Council finds that:

- (1) In accordance with that certain master agreement between the City and LG Park Plaza Limited Partnership and LG Lamar Limited Partnership (collectively, "Gables"), approved by Ordinance No. 20060202-032, the City is to vacate, quitclaim, and exchange interests in certain real property described in the master agreement in return for Gables' dedication of a wastewater line easement and a quitclaim of its interests in the public streets and access easements described in the master agreement.
- (2) The terms and conditions to the conveyances and exchange are set forth in the master agreement and the forms of the respective quitclaim deeds and wastewater line easement are attached to the master agreement.

PART 2. VACATION, CONVEYANCE, AND EXCHANGE.

- (A) The Council orders the vacation of the Bowie Street right-of-way described in attached Exhibit "A", subject to the retention of a public utility easement.
- (B) The Council authorizes the city manager to take action as necessary to exchange the City's interest in the Bowie Street right-of-way for a wastewater easement and release of private rights to streets and access easements in accordance with the terms and conditions of the master agreement.

PART 3. This ordinance takes effect on February 13, 2006.

PASSED AND APPROVED

February 2, 2006

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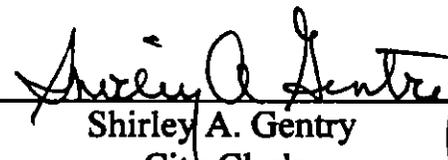
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

Exhibit "A"

Page 1 of 3

EXHIBIT "A"

CITY OF AUSTIN
TO GABLES RESIDENTIAL TRUST
(PARTIAL VACATION OF BOWIE STREET)

0.062 ACRE
GABLES RESIDENTIAL TRUST
MUSEUM PARK PLAZA

FN 05-095 (MAZ)
FEBRUARY 5, 2005
BPI JOB NO. 659-23

DESCRIPTION

OF 0.062 ACRE OF LAND SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF BOWIE STREET RIGHT-OF-WAY (80' WIDE) DEDICATED TO THE PUBLIC BY THE PLAT OF RAMOND PLATEAU, A SUBDIVISION OF OULOT 11, DIVISION 2 OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, OF RECORD IN VOLUME 1, PAGE 30, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND ALSO BEING A PORTION OF THAT CERTAIN 3.19 ACRE TRACT DESCRIBED IN THE DEED TO LUMBERMAN'S INVESTMENT CORPORATION, OF RECORD IN VOLUME 12038, PAGE 535 OF THE REAL PROPERTY RECORDS OF SAID COUNTY; SAID 0.062 ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found in the easterly right-of-way line of said Bowie Street and being in the easterly line of said 3.19 acre tract, for the northwesterly most corner of that certain 0.807 acre "Tract 2" described in the deed to the City of Austin executed November 24, 2003 and recorded in Document No. 2003282535 of the Official Public Records of Travis County, Texas, same being the easterly corner hereof, from which a PK nail found in concrete in the easterly line of said 3.19 acre tract and for the northeasterly corner of that certain 0.609 acre tract described in the deed to the City of Austin, of record in Document No. 2002000252, of said Official Public Records bears with a arc of a curve to the right, having a radius of 520.085 feet, a central angle of 33°40'45", an arc length of 305.71 feet and a chord which bears S13°46'43"E, a distance of 301.33 feet and also from which a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found for the northerly most corner of said 0.807 acre tract bears N22°42'07"E, a distance of 70.60 feet;

THENCE, leaving said 0.807 acre tract over and across said 3.19 acre tract the following three (3) courses and distances:

- 1) S22°42'07"W, along the easterly right-of-way line of Bowie Street, a distance of 18.87 feet to a calculated point in the approximate southerly line of said Raymond Plateau, for the southerly corner hereof;
- 2) N51°15'54"W, leaving the easterly right-of-way line of Bowie Street, along the approximated southerly line of said Raymond Plateau, same being the approximated southerly margin of Bowie Street right-of-way and the southwesterly line hereof,

a distance of 83.27 feet to a calculated point in the westerly right-of-way line of Bowie Street;

- 3) N22°42'07"E, leaving the southerly line of said Raymond Plateau along the westerly right-of-way line of Bowie Street, same being the northwesterly line hereof, a distance of 44.92 feet to a 3/4 inch iron pipe with cap stamped "City of Austin LAI RPLS 4878" found for the southerly most corner of that certain 0.207 acre-"Tract 3" described in said Document No. 2003282535 and being in the easterly line of said 3.19 acre tract, from which a 1/2 inch iron rod found for an angle point in the southwesterly line of said 0.807 acre tract and being the northerly most corner of said 3.19 acre tract bears with the arc of a curve to the left having a having a radius of 520.085 feet, a central angle of 13°45'27", an arc length of 124.88 feet and a chord which bears N47°51'25"W, a distance of 124.58 feet;

THENCE, leaving said 0.207 acre tract over and across said Bowie Street right-of-way along the easterly line of said 3.19 acre tract, being the northeasterly line hereof, along a non-tangent curve to the right having a radius of 520.085 feet, a central angle of 10°21'17", an arc length of 93.99 feet and a chord which bears S35°47'56"E, a distance of 93.86 feet to the POINT OF BEGINNING, containing an area of 0.062 acre (2,685 sq. ft.) of land, more or less, within these metes and bounds.

I, JOHN T. BILNOSKI, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION. A SURVEY SKETCH WAS PREPARED TO ACCOMPANY THIS FIELDNOTE DESCRIPTION.

BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVES ROAD, SUITE 200
AUSTIN, TEXAS 78746



JOHN T. BILNOSKI
NO. 4998
STATE OF TEXAS

2/5/05

DATE

REFERENCES

TCAD MAP 01-0700
AUSTIN GRID H-22



FIELD NOTES REVIEWED
By John Moore Date 12-13-2005
Engineering Support Section
Department of Public Works
and Transportation

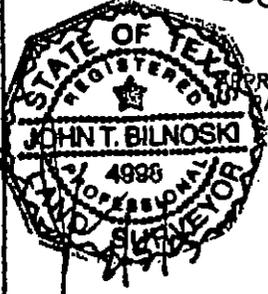
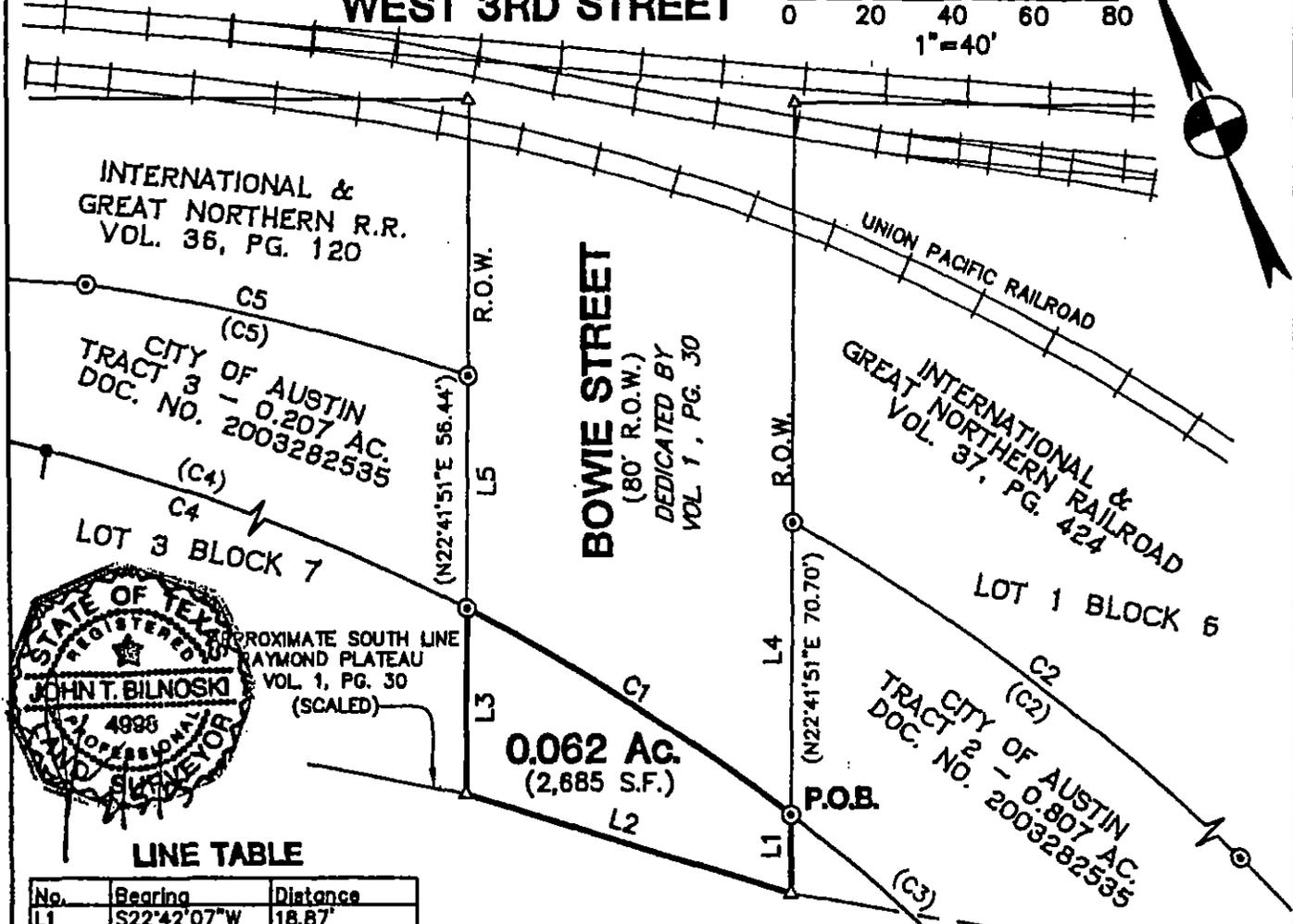
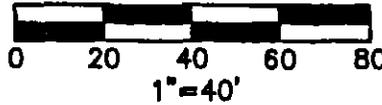
RAYMOND PLATEAU, VOL 1, PG 30

OUTLOT 11, DIVISION Z
TRAVIS COUNTY, TEXAS

BEARING BASIS OF THIS SURVEY IS THE TEXAS COORDINATE SYSTEM, NAD 83, CENTRAL ZONE REFERENCED TO CITY OF AUSTIN MONUMENTS NO. H-22-3001 AND NO. H-22-2001.

(60' R.O.W.)

WEST 3RD STREET



LINE TABLE

No.	Bearing	Distance
L1	S22°42'07"W	18.87'
L2	N51°15'54"W	83.27'
L3	N22°42'07"E	44.92'
L4	N22°42'07"E	70.60'
L5	N22°42'07"E	56.35'

CURVE TABLE

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	10°21'17"	520.085	93.99	93.86	S35°47'58"E
C2	59°51'40"	503.07	525.60	502.01	S08°53'43"E
(C2)	—	503.07	525.68	502.09	S08°54'01"E
C3	33°40'45"	520.085	305.71	301.33	S13°48'43"E
(C3)	—	520.085	305.70	—	—
C4	13°45'27"	520.085	124.88	124.58	N47°51'25"W
(C4)	—	520.085	124.96	124.66	N47°51'38"W
C5	10°44'03"	503.07	94.25	94.11	N54°08'41"W
(C5)	—	503.07	94.23	94.10	S54°08'58"E

LEGEND

- 1/2" IRON ROD FOUND
- ⊙ IRON PIPE FOUND WITH CAP STAMPED "CITY OF AUSTIN-LAI RPLS 4878"
- ▲ PK NAIL FOUND
- △ CALCULATED POINT
- (XXX) RECORD INFORMATION
- P.O.B. POINT OF BEGINNING

3.19 ACRES
LUMBERMEN'S INVESTMENT CORPORATION
VOL. 12038, PG. 535

NE CORNER CITY OF AUSTIN
0.609 ACRE
DOC. NO. 2002000252

Bury+Partners
ENGINEERING SOLUTIONS
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Austin, Texas 78748
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SKETCH TO ACCOMPANY DESCRIPTION
OF A 0.062 ACRE TRACT OF LAND BEING A PORTION OF BOWIE STREET RIGHT-OF-WAY DEDICATED TO THE PUBLIC BY RAYMOND PLATEAU SUBDIVISION OF RECORD IN VOL 1, PG 30, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, ALSO BEING SITUATED WITHIN THAT CERTAIN 3.19 ACRE TRACT DESCRIBED IN THE DEED TO LUMBERMAN'S INVESTMENT CORPORATION, OF RECORD IN VOL 12038, PG 535 OF THE REAL PROPERTY RECORDS.

MUSEUM PARK PLAZA
GABLES RESIDENTIAL TRUST